ORDINANCE NO. 2014-379

SPONSOR Mr. Pry and Council of the Whole

DATE September 8, 2014 COMMITTEE Rules

An Ordinance enacting new Chapter 756 of the Codified Ordinances of the County of Summit, entitled “Unclaimed Funds,” to regulate agreements to recover unclaimed funds received or collected under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio Revised Code and held by the County Fiscal Office and to provide the County Prosecutor’s Child Support Enforcement Agency with information to enable it to identify owners of unclaimed funds who are in default under support orders administered by the Agency, for the County Fiscal Office, and declaring an emergency.

WHEREAS, pursuant to Section 169.13 of the Ohio Revised Code, the Ohio Department of Commerce regulates agreements to pay a fee, compensation, commission or other remuneration to locate, deliver, recover or assist in the recovery of unclaimed funds reported under Section 169.03 of the Ohio Revised Code; and

WHEREAS, Section 169.13 imposes express requirements and restrictions on such agreements; and

WHEREAS, the County Fiscal Officer has recognized that there is no similar regulation of unclaimed funds received or collected under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio Revised Code and held by the County Fiscal Office; and

WHEREAS, Section 169.08 of the Ohio Revised Code sets forth a procedure for the payment of unclaimed funds to an owner, and includes a provision that any person claiming a property interest in unclaimed funds delivered or reported to the state under Chapter 169 of the Ohio Revised Code, including the Office of Child Support in the Department of Job and Family Services, pursuant to Section 3123.88 of the Ohio Revised Code, may file a claim in the form prescribed by the Director of the Ohio Department of Commerce; and

WHEREAS, the Fiscal Officer recognizes that a formal procedure should be established at the County level to provide the County Prosecutor’s Child Support Enforcement Agency with information to enable it to identify owners of unclaimed funds who are in default under support orders administered by the Agency; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to enact a new Chapter 756 of the Codified Ordinances of the County of Summit, entitled “Unclaimed Funds,” to regulate agreements to recover unclaimed funds received or collected under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio Revised Code and held by the Fiscal Office and to provide the Prosecutor’s Child Support Enforcement Agency with information to enable it to identify owners of unclaimed funds who are in default under support orders administered by the Agency;

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that;
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SECTION 1

Chapter 756 of the Codified Ordinances of the County of Summit, entitled “Unclaimed Funds,” attached to this Ordinance as Exhibit A and incorporated herein as if fully restated, is hereby enacted.

SECTION 2

This Ordinance is declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further reason that it immediately enacts new Chapter 756 of the Codified Ordinances to regulate agreements to recover unclaimed funds held by the County Fiscal Office and to establish a procedure to provide necessary information to the County Prosecutor’s Child Support Enforcement Agency concerning owners of unclaimed funds in default under support orders administered by the Agency.

SECTION 3

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED August 18, 2014

ADOPTED September 8, 2014

CLERK OF COUNCIL

APPROVED September 9, 2014

EXECUTIVE

ENACTED EFFECTIVE September 9, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro